IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 169/2007

KAILASH CHAND SHARMA VS. BABU LAL JAIN

DATE: 11.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. H.K. Sharma for the accused-petitioner.
Mr. Praveen Jain for the complainant/respondent.

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The present criminal revision petition under Section 397 Cr.P.C. is preferred by the accused-petitioner against the order dated 01.02.2007 passed by the Judicial Magistrate, First class, Deoli, District Tonk in Complaint No. 466/2001, whereby the application filed by the petitioner under Sections 311 and 315 cr.P.C. has been dismissed.

Vide application under Section 311 cr.P.C. the accused-petitioner has prayed that the relevant record of the bank be summoned which has not been considered and the same has been rejected and vide application under Section 315 Cr.P.C. the petitioner wishes to adduce his evidence but the same has been declined.

Having heard rival submissions of the respective parties, so far as rejection of the application moved by the accused-petitioner under Section 311 Cr.P.C. is concerned, I find no illegality

or error in the impugned order dated 01.02.2007. No interference is required by this Court.

But in the interest of justice, I deem it proper to allow the application under Section 315 Cr.P.C. and the accused-petitioner is allowed to depose his evidence and can adduce the witness.

Thus, so far as rejection of the application filed by the accused-petitioner under Section 315 Cr.P.C. is concerned, the impugned order dated 01.02.2007 passed by the Judicial Magistrate, First Class, Deoli, District Tonk is herewith quashed and set-aside as indicated above.

The revision petition stands disposed of.

(K.S. RATHORE),J.

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